UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11-20-03*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

1.   The Information Disclosure Statements filed on 11/20/2003 have been

considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lei (US

Patent No. 7,107,236).

4.   **Regarding claim 1**, Lei discloses a method for making reservations comprising:

providing a wireless hot spot location, wherein reservations can be made with a

plurality of vendors through the wireless hot spot [...*the mobile commerce system (200)*

having the self-contained business transaction capsules (plurality of vendors) where the

reservation can be made such as dinner reservation or airline ticket by using the mobile

wireless devices; (abstract; col. 2, lines 25-31, lines 46-50; col. 3, lines 28-34 and figure

2)];

responsive to receiving a user input from a wireless device in communication

with the wireless hot spot, determining whether a user desires to make a reservation

with a selected vendor from the plurality of vendors [...*receive the completed*

transaction data from the portable electronic device; (col. 5, lines 50-67); *receiving input*

for selections and entries made by the user; (col. 7, lines 33-34); for example: *user*

select from a variety of restaurant from self-contained business transaction capsules by

requesting them to be broadcasted (col. 13, lines 45-53)];

responsive to a determination that the user desires to make the reservation

[...*when the user decide to make a reservation, the transaction logic will gather*

information such as user's name, time for reservation and transmit to the restaurant to

make a reservation; (col. 13, lines 45-53)], retrieving user preferences associated with

the user [...*mobile commerce system 200 preferably keeps a backup of all the user's*

information such as user profile including the favorite topics; the user's information can

be retrieved; (col. 6, lines 55-57; col. 10, lines 41-56 and figure 2)]; and

making the reservation using the user preferences [....*for example, user making*

the flight reservation through the self-contained business transaction capsule; (col. 9,

lines 5-11; 5-9; lines 11-22; lines 38-47; and figures 2-3].

Regarding claim 2, Lei discloses the user preferences are located in the

wireless device [...*user access to any of his or unique eCapsules (user's preferences)*

from the mobile device; col. 10, lines 41-50].

Regarding claim 3, Lei discloses the user preferences are located in a data processing system [...*user's profile such as name, address and favorite topics are located in the mobile commerce system 200*; col. 6, lines 55-56].

Regarding claim 4, Lei discloses wherein the wireless device is one of a personal digital assistant, a laptop computer, a hand held computer, notebook computer, or a digital wireless phone [col. 2, lines 46-50; col.5, lines 58-62 and figure 2].

Regarding claim 5, Lei discloses the user preferences also are associated with the selected one of the plurality of vendors [...*user access to any of his or unique eCapsules (user's preferences) are associated with different vendors (restaurant, airline ticket) from the mobile device*; col. 10, lines 41-50].

Regarding claim 6, Lei discloses the plurality of vendors are a set of registered vendors [...*Internet Web page(s) 210 of the business offering the product or service and create a self -contained business transaction capsule*s; (figure2 and col. 4, lines 19-20, lines 34-37].

Regarding claim 7, Lei discloses the user preferences include at least one of a desired location for a table, credit card information, a smoking preference, time, number of seats needed, a particular wait person, and ordering information [...*user preferences include date and time; billing and shipping information*; col. 3, lines 50-54; col. 9, lines 39-40].

Regarding claim 8, Lei discloses plurality of vendors includes at least one of a restaurant, a hotel, a movie theater, and a reservation service [col. 3, lines 29-3].

Regarding claim 9, Lei discloses charging at least one of the selected vendor and the user [col. 6, lines 3-4, lines 16-21].

Regarding claim 10, Lei discloses providing Internet access after making the reservation [col. 9, lines 5-11; lines 35-47 and figure 3].

Regarding claim 11, Lei discloses a method in a wireless data processing system for making reservations comprising:

receiving an identification of a plurality of vendors while the wireless data processing system is in a hot spot location [...*self-contained business transaction capsule identification (different vendors' identification) is broadcasted and received by the portable electronic device*; (col. 11, lines 38-59; col. 13, lines 25-29; figures 2 and 4]; and

responsive to receiving a user input from a user indicating a desire to make a reservation with a selected vendor from the plurality of vendors [...*receive the completed transaction data from the portable electronic device; (col. 5, lines 50-67); receiving input for selections and entries made by the user*; (col. 7, lines 33-34); *for example: user select from a variety of restaurant from self-contained business transaction capsules by requesting them to be broadcasted* (col. 13, lines 45-53)]; and

sending user preferences of the user to the selected vendor [...*transmit the user preferences (information that user is interested in making reservation) to the restaurant to make the reservation* (col. 13, lines 45-59)].

Regarding claim 12, Lei discloses a data processing system for making reservations comprising:

a bus System [...*it is considered that wireless device has bus system in order to transmitted from one wireless client to another*; col. 12, lines 15-26 and figures 1 and 5];

a communications unit connected to the bus system [...*information is transmitted point to point to the wireless devices*; col. 12, lines 15-26 and figures 1 and 5];

a memory connected to the bus system, wherein the memory includes a set of instructions [...*portable electronic devices includes a memory storage*; (col. 5, lines 41-45; col. 8, lines 1-10); *providing the instructions to interface with the portable electronic devices* (col. 7, lines 26; figures 6-7); and

a processing unit connected to the bus system [(...*portable electronic device include a microprocessor*; (col. 5, lines 41-43; figures 2 and 7)], wherein the processing unit executes the set of instructions to determine whether a user desires to make a reservation with a selected one of a plurality of vendors in response to receiving a user input from a wireless device in communication with a wireless hot spot [...*portable electronic device is capable of receiving and executing self-contained business transaction capsules* (plurality of vendors); (col. 7, lines 61-66; col. 8, lines 52-64) *and figure 3 for an example of user making a reservation by selecting from a plurality of vendors*];

retrieve user preferences associated with the user in response to a determination that the user desires to make the reservation [...*mobile commerce system 200 preferably keeps a backup of all the user's information such as user profile including the favorite topics; the user's information can be retrieved*; (col. 6, lines 55-57; col. 10, lines 41-56 and figure 2)]; and

make the reservation using the user preferences [...*for example, user making the flight reservation through the self-contained business transaction capsule*; (col. 9, lines 5-11; 5-9; lines 11-22; lines 38-47; and figures 2-3].

Regarding claim 13, Lei discloses a data processing system for making reservations, the data processing system comprising:

providing means for providing a wireless hot spot location, wherein reservations can be made with a plurality of vendors through the wireless hot spot [...*the mobile commerce system (200) having the self-contained business transaction capsules (plurality of vendors) where the reservation can be made such as dinner reservation or airline ticket by using the mobile wireless devices*; (abstract; col. 2, lines 25-31, lines 46-50; col. 3, lines 28-34 and figure 2)];

determining means, responsive to receiving a user input from a wireless device in communication with the wireless hot spot, for determining whether a user desires to make a reservation with a selected one of the plurality of vendors [...*receive the completed transaction data from the portable electronic device; (col. 5, lines 50-67);*

receiving input for selections and entries made by the user; (col. 7, lines 33-34);

for example: user select from a variety of restaurant from self-contained business transaction capsules by requesting them to be broadcasted (col. 13, lines 45-53)];

retrieving means, responsive to a determination that the user desires to make the reservation, for retrieving user preferences associated with the user [...*when the user decide to make a reservation, the transaction logic will gather information such as user's name, time for reservation and transmit to the restaurant to make a reservation*; (col. 13,

lines 45-53) *and the user's information such as user profile including the favorite topics; can be retrieved*; (col. 6, lines 55-57; col. 10, lines 41-56 and figure 2)]; and

making means for making the reservation using the user preferences [*….for example, user making the flight reservation through the self-contained business transaction capsule*; (col. 9, lines 5-11; 5-9; lines 11-22; lines 38-47; and figures 2-3].

Regarding claim 14, Lei discloses the user preferences are located in the wireless device [*…user access to any of his or unique eCapsules (user's preferences) from the mobile device*; col. 10, lines 41-50].

Regarding claim 15, Lei discloses the user preferences are located in a data processing system [*…user's profile such as name, address and favorite topics are located in the mobile commerce system 200*; col. 6, lines 55-56].

Regarding claim 16, Lei discloses the wireless device is one of a personal digital assistant, a laptop computer, or a digital wireless phone [col. 2, lines 46-50; col.5, lines 58-62 and figure 2].

Regarding claim 17, Lei discloses the user preferences also are associated with the selected one of the plurality of vendors [*…user access to any of his or unique eCapsules (user's preferences) are associated with different vendors (restaurant, airline ticket) from the mobile device*; col. 10, lines 41-50].

Regarding claim 18, Lei discloses the pluralities of vendors are a set of registered vendors [*...Internet Web page(s) 210 of the business offering the product or service and create a self -contained business transaction capsules*; (figure2 and col. 4, lines 19-20, lines 34-37].

Regarding claim 19, Lei discloses the user preferences include at least one of a desired location for a table, credit card information, a smoking preference, time, number of seats needed, and ordering information [...*user preferences include date and time; billing and shipping information*; col. 3, lines 50-54; col. 9, lines 39-40].

Regarding claim 20, Lei discloses the plurality of vendors includes at least one of a restaurant, a hotel, and a movie theater [col. 3, lines 29-3].

Regarding claim 21, Lei discloses a computer program product in a computer readable medium for making reservations comprising:

second instructions, responsive to receiving a user input from a wireless device in communication with a wireless hot spot, for determining whether a user desires to make a reservation with a selected one of a plurality of vendors [...*receive the completed transaction data from the portable electronic device*; (col. 5, lines 50-67); *receiving input for selections and entries made by the user*; (col. 7, lines 33-34); *for example: user select from a variety of restaurant from self-contained business transaction capsules by requesting them to be broadcasted* (col. 13, lines 45-53)];

third instructions, responsive to a determination that the user desires to make the reservation, for retrieving a user preferences associated with the user [...*when the user decide to make a reservation, the transaction logic will gather information such as user's name, time for reservation and transmit to the restaurant to make a reservation*; (col. 13, lines 45-53) *and the user's information such as user profile including the favorite topics; can be retrieved*; (col. 6, lines 55-57; col. 10, lines 41-56 and figure 2)]; and

fourth instructions for making the reservation using the user preferences [....*for example, user making the flight reservation through the self-contained business transaction capsule*; (col. 9, lines 5-11; 5-9; lines 11-22; lines 38-47; and figures 2-3].

Regarding claim 22, Lei discloses the user preferences are located in the wireless device [...*user access to any of his or unique eCapsules (user's preferences) from the mobile device*; col. 10, lines 41-50].

Regarding claim 23, Lei discloses the user preferences are located in a data processing system [...*user's profile such as name, address and favorite topics are located in the mobile commerce system 200*; col. 6, lines 55-56].

Regarding claim 24, Lei discloses the wireless device is one of a personal digital assistant, a laptop computer, or a digital wireless phone [col. 2, lines 46-50; col.5, lines 58-62 and figure 2].

Regarding claim 25, Lei discloses the user preferences also are associated with the selected one of the plurality of vendors [...*user access to any of his or unique eCapsules (user's preferences) are associated with different vendors (restaurant, airline ticket) from the mobile device*; col. 10, lines 41-50].

Regarding claim 26, Lei discloses the plurality of vendors are a set of registered vendors [...*Internet Web page(s) 210 of the business offering the product or service and create a self -contained business transaction capsules*; (figure2 and col. 4, lines 19-20, lines 34-37].

Regarding claim 27, Lei discloses the user preferences include at least one of a desired location for a table, credit card information, a smoking preference, time, number

of seats needed, and ordering information [...*user preferences include date and time;*

billing and shipping information; col. 3, lines 50-54; col. 9, lines 39-40].

Regarding claim 28, Lei discloses the plurality of vendors includes at least one

of a restaurant, a hotel, and a movie theater [col. 3, lines 29-3].

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

6.   The US Patent Application Publication discloses the method and system for the

users to utilize hand held, wireless communication devices to self-order food and

product.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-

1614. The examiner can normally be reached on Monday through Thursday from 8:30

A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy-Vi Nguyen/

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3629